

First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1145

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AN ACT to amend the Indiana Code concerning civil procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 25-22.5-15 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

**Chapter 15. Health Care Volunteer Registry**

**Sec. 1. The agency shall establish and maintain an electronic health care volunteer registry of:**

- (1) persons who intend to provide a health care service as described in IC 34-30-13-1.2; and**
- (2) locations at which the provision of a health care service described in IC 34-30-13-1.2 is determined by the board to be appropriate.**

**Sec. 2. A determination of appropriateness described in section 1(2) of this chapter is valid for not more than two (2) years.**

**Sec. 3. A registration of a:**

- (1) person with an active license described in IC 34-30-13-1.2;**
- or**
- (2) location;**

**as described in section 1 of this chapter is valid for not more than two (2) years.**

**Sec. 4. The board shall adopt rules under IC 4-22-2 necessary to carry out the board's duties under this chapter.**

**HEA 1145 — Concur**



**Sec. 5. The agency shall adopt rules under IC 4-22-2 necessary to carry out the agency's duties under this chapter.**

SECTION 2. IC 34-6-2-55, AS AMENDED BY P.L.77-2012, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 55. (a) "Health care services":

**(1) except as provided in subdivision (2), for purposes of IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a); and (2) for purposes of IC 34-30-13-1.2, means only noninvasive examinations, treatments, and procedures and the following invasive procedures:**

**(A) Routine dental services.**

**(B) Injections.**

**(C) Suturing of minor lacerations.**

**(D) Incisions of boils or superficial abscesses.**

**The term does not include performance of an abortion, including abortion by surgical means, by use of an abortion inducing drug, or by prescribing a controlled substance or scheduled drug under IC 35-48.**

(b) "Health care services", for purposes of IC 34-30-13.5, means:

(1) any services provided by an individual licensed under:

(A) IC 25-2.5;

(B) IC 25-10;

(C) IC 25-13;

(D) IC 25-14;

(E) IC 25-22.5;

(F) IC 25-23;

(G) IC 25-23.5;

(H) IC 25-23.6;

(I) IC 25-24;

(J) IC 25-26;

(K) IC 25-27;

(L) IC 25-27.5;

(M) IC 25-29;

(N) IC 25-33;

(O) IC 25-34.5; or

(P) IC 25-35.6;

(2) services provided as the result of hospitalization;

(3) services incidental to the furnishing of services described in subdivisions (1) or (2);

(4) any services by individuals:

(A) licensed as paramedics;

(B) certified as advanced emergency medical technicians; or



- (C) certified as emergency medical technicians under IC 16-31-2;
- (5) any services provided by individuals certified as emergency medical responders under IC 16-31-2; or
- (6) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury.

SECTION 3. IC 34-30-13-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 1.2. (a) Except as provided in section 2 of this chapter, a person who meets each of the following criteria is immune from civil liability resulting from any act or omission related to the provision of a health care service:**

- (1) Is licensed as any of the following:**
  - (A) A physician under IC 25-22.5.**
  - (B) A physician assistant under IC 25-27.5.**
  - (C) A dentist under IC 25-14.**
  - (D) A nurse under IC 25-23.**
  - (E) An advanced practice nurse (as defined in IC 25-23-1-1(b)) who is licensed under IC 25-23.**
  - (F) An optometrist under IC 25-24.**
  - (G) A podiatrist under IC 25-29.**
- (2) Provides the health care service:**
  - (A) voluntarily;**
  - (B) to another individual;**
  - (C) without compensation;**
  - (D) within the scope of the person's license described in subdivision (1); and**
  - (E) at a location that is determined to be appropriate and listed on the health care volunteer registry under IC 25-22.5-15.**
- (3) Notifies, before providing the health care service:**
  - (A) the individual receiving the health care service; or**
  - (B) the person who is legally responsible for the care of the individual receiving the health care service;**

**that the person providing the health care service is immune from civil liability in relation to the provision of the health care service.**
- (4) Obtains the signature of:**
  - (A) the individual receiving the health care service; or**
  - (B) the person who is legally responsible for the care of the individual receiving the health care service;**



on a waiver that states the person providing the health care service is immune from civil liability in relation to the provision of the health care service.

(5) Is listed on the health care volunteer registry under IC 25-22.5-15.

(b) The immunity provided under this chapter applies to:

- (1) dental services provided in a dental office; and
- (2) health care services that are provided in a setting other than:

- (A) a physician's office;
- (B) an entity licensed or certified by the state department of health;
- (C) a health care facility, including a facility that receives federal funding; or
- (D) any other permanent facility in which the primary purpose is to provide health care services.

(c) A sponsoring organization, owner, operator, lessor, or lessee:

- (1) of a location described in subsection (a)(2)(E); and
- (2) that:
  - (A) permits a person described in subsection (a) to provide a health care service at the location as described in this section; and
  - (B) receives no compensation for permitting the provision of the health care service as described in clause (A);

is immune from civil liability resulting from an act or omission related to the provision of the health care service.

(d) A person who provides a health care service as described in this section may recommend laboratory and imaging based screenings and tests, and provide written documentation of the recommendation, to:

- (1) the individual receiving the health care service; or
- (2) the person who is legally responsible for the care of the individual receiving the health care service.

SECTION 4. IC 34-30-13-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1.3. Except as provided in section 2 of this chapter, a person who meets the criteria listed for immunity from civil liability in section 1.2 of this chapter must:

- (1) provide a record of all laboratory and imaging based screenings and tests performed by a person described in section 1.2 of this chapter as part of a health care service to:
  - (A) an individual receiving the health care service; or



(B) a person who is legally responsible for the care of the individual receiving the health care service;  
 upon completion of the health care service; and  
 (2) provide the results of all laboratory and imaging based screenings and tests performed by a person described in section 1.2 of this chapter as part of a health care service to:  
 (A) an individual receiving the health care service; or  
 (B) a person who is legally responsible for the care of the individual receiving the health care service;  
 upon the request of the individual receiving the health care service or the person who is legally responsible for the individual receiving the health care service.

SECTION 5. IC 34-30-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 2. A person **who provides health care services** as described in ~~section 1~~ of this chapter is not immune from civil liability if the damages resulting from the provision of the health care services resulted from the person's gross negligence or willful misconduct.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

**HEA 1145 — Concur**

